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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,465	03/25/2004	Thierry Dupuis	IPG-PTI06	6282
3624 7590 08/04/2009				
VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103				
EXAMINER				
HUYNH, NAM TRUNG				
ART UNIT		PAPER NUMBER		
2617				
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08/04/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/808,465

Applicant(s)

DUPUIS ET AL.

Examiner

NAM HUYNH

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/26/09 has been entered.

Response to Amendment

This office action is in response to amendment filed on 6/6/2008. Of the previously presented claims 3-11; claims 3-11 have been cancelled and claims 12-18 have been added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker (US 6,124,799) in view of Telia AB (WO 98/57511) (hereinafter Telia), and in further view of Link, II et al. (US 6,550,010) (hereinafter Link).

Regarding claim 12, Parker teaches a method of unlocking a mobile terminal that is locked to services of a mobile services provider (column 1, lines 33-52; mobile phone is locked to the services of a particular network), pre-programmed with a telephone number corresponding to a network operator of the mobile terminal, and pre-assigned an identification number corresponding to the mobile terminal (column 8, lines 19-21; handset can be used to call network operator for activation), the method comprising:

the mobile terminal connecting to the network operator via the pre-programmed telephone number (figure 4, item 106), transmitting an unlocking request that includes the pre-assigned identification number (caller ID) and requesting unlocking information from the network operator (figure 4, items 108-114);

the mobile terminal receiving the unlocking information from the network operator (figure 4, item 116); and

responsive to receiving the unlocking information from the network operator, the mobile terminal unlocking itself (figure 5, item 172).

The invention of Parker is not limited to the entity in which the mobile handset is locked to. Parker teaches that the handset may be electronically locked to a particular service provider, to a particular network, to a particular reseller, or even to an individual (column 4, lines 35-40). Furthermore Parker teaches that during the activation process, the handset receives from a central facility information capable of being used to transform the unique, secure values of handset into secure information specific to the controlling entity (such as the operator, network, reseller, etc) (column 7, lines 38-43). However, Parker does not explicitly teach that the handset must be unlocked by the manufacturer. Telia discloses an unlocking method wherein a mobile telephone is locked to a specific SIM-card by the manufacturer (page 3 lines 15-21). In operation of the invention, a user must register a subscription at a reseller, then the manufacturer (AHS) checks whether the customer has signed a valid subscription management agreement, then if validated, the manufacturer then transmits unlocking information to the mobile telephone in order for a user to use other SIM-cards (page 4, lines 3-25). Telia thus teaches that the manufacturer is the controlling entity to unlock the phone. Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Parker to allow the unlocking procedure performed by the network operator to be alternatively performed by the manufacturer, as taught by Telia, in order to enhance protection in provisioning the handset by eliminating the need to distribute keys to the carrier.

The combination of Parker and Telia does not explicitly teach that when the phone is unlocked it is no longer locked to the services of the mobile services provider. Link discloses a method and apparatus for a unit locked against use until unlocked and/or activated on a selected network. Link teaches as background that wireless units are locked to a particular service provider (column 3, lines 20-35). However, teaches that wireless units may contain a "backdoor" into the programming wherein it may be unlocked without resorting to the unlocking process provided by the service provider that subsidized the purchase of the unit (column 3, lines 50-63). Link thus teaches the unlocking of a phone from a service provider. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Parker and Telia to allow a user to unlock the phone from the service provider, as taught by Link, in order to give a user the freedom to choose the network the phone operates on which increases the flexibility and user friendliness of the phone.

Regarding claim 13, Parker teaches the mobile terminal transmits the unlocking request via the mobile services provider (figure 4, item 106).

Regarding claim 14, Parker teaches the unlocking request is transparent to the mobile services provider (column 8).

Regarding claim 15, Parker teaches the unlocking information is received via the mobile services provider (figure 4, item 112).

Regarding claim 16, Parker teaches the unlocking information is transparent to the mobile services provider (column 8).

Regarding claim 17, Parker teaches the mobile terminal transmits the unlocking request and receives the unlocking information from the manufacturer on a speech channel (column 8).

Regarding claim 18, Parker teaches the mobile terminal receiving and displaying a confirmation message from the manufacturer indicating that the unlocking request is either approved or denied (figure 5, item 172).

Response to Arguments

5. Applicant's arguments with respect to claims 12-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Aerrabotu (US 6,829,492)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAM HUYNH whose telephone number is (571)272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/Nam Huynh/
Examiner, Art Unit 2617